

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IT IS ORDERED:

Defendant Inter-Grain Specialty Products, LLC's motion, filing 35, to dismiss without prejudice its fraud count contained within Count IV of its counterclaim is granted in accordance with counter-defendant Rainbow Popcorn Company's notice, filing 36.

DATED this 19th day of October, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge